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DRAFT BUDGET PROPOSALS OF THE INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA FOR 1998

Prepared by the Tribunal

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I. INTRODUCTION

1. The International Tribunal for the Law of the Sea[1] was established by the 1982 United Nations Convention on the Law of the Sea.[2] The 21 judges of the Tribunal were elected by the Meeting of States Parties on 1 August 1996, and the Tribunal held its first session from 1 to 31 October 1996.

2. At that session, the Tribunal elected its President and Vice-President as well as the Registrar and Deputy Registrar. The ceremonial inauguration was held on 18 October 1996 at which time the judges made the solemn declaration prescribed by the Statute of the Tribunal.

3. During the first session, the Tribunal began consideration of its Rules and other matters of internal organization. It established the Chamber on Summary Procedure in accordance with article 15 of the Statute.

4. To enable it to deal with any cases that might be brought to it before the conclusion of its detailed examination of its Rules, the Tribunal decided to apply on a provisional basis the draft Rules that had been prepared for it by the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea.

5. At its second session (3-28 February 1997), the Tribunal made further progress in the consideration of the Rules. It also established the Seabed Disputes Chamber and two other standing chambers on fisheries matters and on the protection and preservation of the marine environment.

6. Consideration of the Rules was continued at the third session (2-29 April 1997). The Tribunal will continue to give priority to this work until it is completed and the Rules have been formally adopted. To achieve this objective, and also deal with other urgent tasks on its organization and internal procedures and establish relationship with appropriate institutions, the Tribunal plans to hold its fourth session in October 1997, if it is possible to do so within available resources. In this connection, the Tribunal notes that the Meeting of States Parties included in the budget for the organizational phase (October 1996 to December 1997) provision for contingency costs if a case is submitted to the Tribunal. It was also understood that part of that provision might be utilized to cover unforeseen costs, if the President of the Tribunal considered it necessary to do so. The work on its organization and procedures is closely linked with the ability of the Tribunal to deal with cases brought to it. For this reason the meeting planned for October will be used to continue with the outstanding work on organizational aspects as well as to deal with any case that may have been brought before the Tribunal. The costs of the meeting will be financed from the contingency provision. The Tribunal believes that such an arrangement is necessary and appropriate, and it trusts that the Meeting of States Parties will endorse that view.

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[1] Hereinafter referred to as the Tribunal.

[2] Hereinafter referred to as the Convention.

7. The expenditure of the Tribunal during its functional years will be determined largely by the number and nature of the cases it will be called upon to deal with. Consequently, it is not possible at this stage to make long-term or even medium-term budget proposals, as would be expected in the case of a fully operational institution. The budget proposals for 1998 reflect this uncertainty and consist of estimates of the costs that will be incurred whether or not any cases are received and a contingency provision to cover expenditure for dealing with cases that may be brought before it.

8. In determining its future work programme and the needs for its work, the Tribunal has taken account of the fact that it is responsible for its own financial and administrative management. During its organizational phase, the Tribunal has operated with only the limited staff and financial resources that were provided for the start-up phase. These arrangements have proved to be inadequate.

II. WORK PROGRAMME AND BUDGET OF THE TRIBUNAL FOR THE FIRST FUNCTIONAL PHASE (JANUARY-DECEMBER 1998)

Part I. Work to be undertaken by the Tribunal during 1998

9. The work programme of the Tribunal for 1998 envisages the holding of three meetings of the Tribunal during the year, each of four weeks' duration. This programme of meetings is necessary for the work that the Tribunal must complete by the end of 1998. The three meetings are considered essential whether or not any cases are actually dealt with by the Tribunal in 1998.

10. The major tasks to be undertaken at the meetings are discussed below.

A. Rules and practices of the Tribunal

11. The Rules of the Tribunal and the Internal Judicial Practice are the basic tools of the Tribunal in the discharge of its administrative and judicial functions. These should be fashioned to suit its special character, having regard, inter alia, for the different categories of entities that may be parties to cases before it.

12. The Tribunal intends to devote as much time as possible to the examination and review of its Rules and practices during the early stages when it may not be called upon to deal with many cases.

13. The willingness of States to bring their disputes to the Tribunal will depend to a large extent on the quality of the Rules adopted by the Tribunal for the exercise of its judicial functions. To this end the members of the Tribunal have agreed that the Rules should be both clear in structure and content ("user-friendly") and able to facilitate expeditious and cost-effective procedures from the point of view of the Tribunal itself and the parties.

1. Rules of the Tribunal

14. By the end of 1997, the Tribunal will have reached an advanced stage in the work on its Rules. As noted above (para. 4), the Tribunal has decided to adapt as necessary and apply on a provisional basis the Rules that were prepared for it by the Preparatory Commission, with some modifications.

15. During 1998, the Tribunal will continue to review the Rules in the light of experience that may be gained in their application.

2. Internal Judicial Practice

16. The Internal Judicial Practice of the Tribunal can have a crucial impact on the ability of the Tribunal to discharge its judicial functions without unnecessary delay and expense to itself and to the parties in the cases before it. The Rules will need to take account of the structure and size of the Tribunal as well as the requirements and concerns of the different types of parties that are entitled to bring cases before the Tribunal.

3. Rules and practice of the chambers of the Tribunal

17. As required by the Convention and the Statute, the Seabed Disputes Chamber and the Chamber on Summary Procedure have been established. Other standing chambers have also been established, namely, the Chamber on Fisheries Matters and the Marine Environment Chamber. While the Rules will normally be applicable, mutatis mutandis, to the Seabed Disputes Chamber and the other chambers, the various chambers may find it necessary or useful to consider modifications to some of the Rules for their operation in particular circumstances. These matters will need to be considered by the respective chambers and, ultimately, by the Tribunal. Part of the meeting time for 1998 will be utilized for this purpose.

4. Guidelines for potential parties before the Tribunal

18. The Tribunal considers that it will be useful to establish general and special guidelines to assist States and other entities that may be parties before the Tribunal. Such guidelines could also be of help to States while considering whether to choose the jurisdiction of the Tribunal.

B. Development of internal arrangements and procedures

1. Instructions to the Registrar

19. Based on its assessment of the experience and practice of existing international judicial bodies, the Tribunal intends to develop suitable Instructions to the Registrar.

2. Staff and Financial Regulations and Rules

20. The Tribunal has to adopt Regulations and Rules and the social security schemes for the staff of the Registry.

21. It also has to adopt the Financial Regulations and Rules, including provision for internal and external audit of the financial operations, prescribing appropriate procedures for the management of the finances and control of financial transactions of the Tribunal.

22. The Tribunal will develop rules, practices and procedures that will ensure the highest level of administrative and financial control. Proposed regulations, consistent with those of the United Nations common system, will need to be considered and approved by the Tribunal.

3. Agreements and arrangements of cooperation

23. The Meetings of States Parties have agreed on the need for the Tribunal to enter into agreements of cooperation with the United Nations and the International Seabed Authority. The Tribunal may also find it useful to conclude agreements or establish arrangements on relationship with other international organizations and bodies. The Tribunal will need to examine the proposed texts of these agreements or arrangements before they are finalized, and formal approval of the Tribunal may be needed prior to their conclusion.

C. Other matters

24. Other matters that the Tribunal will consider in 1998 include:

(a) Reports to be made to the Meetings of States Parties;

(b) Budget proposals of the Tribunal;

(c) Recommendations of the Tribunal to the Meetings of States Parties on matters relating to the Tribunal on which the Meetings have the responsibility to take decisions or make determinations;

(d) Publicizing the work of the Tribunal, including the issue of a Yearbook that will contain the texts of the principal documents and reports on its work.

Part II. Estimates of recurrent expenditure

A. Members of the Tribunal

1. Remuneration and allowances

25. Pursuant to the decision of the Meeting of States Parties, the maximum annual remuneration of a judge is fixed at $145,000, based on the agreed

comparator, which is the remuneration of a Judge of the International Court of Justice.

26. The Meeting of States Parties also decided that, with the exception of the President, the annual remuneration of judges will consist of three elements:

(a) An annual allowance payable monthly. This is one third of the overall annual remuneration of $145,000, that is, $48,333.33 for the year;

(b) Special allowance for each day that the judge is engaged in the business of the Tribunal. Judges are also paid special allowance for preparatory work undertaken by them before meetings of the Tribunal, up to a maximum of four weeks for each meeting;

(c) Subsistence allowance for each day that the judge attends meetings of the Tribunal at the seat of the Tribunal. Subsistence allowance is also payable to judges when they undertake business in connection with the Tribunal away from their normal place of residence.

The total amount of these allowances for one year should not exceed the overall amount of remuneration as fixed on the basis of the agreed comparator, that is, $145,000.

27. The President is required to reside at the seat of the Tribunal and is entitled to receive an annual remuneration of $145,000. In addition, the President is paid a special allowance of $15,000 per annum. The President is not entitled to special allowance or subsistence allowance for attendance at meetings. Provision is also made for the common costs in relation to the President.[3]

28. Pursuant to article 18, paragraph 3, of the Statute, the Vice-President shall receive a special allowance for each day on which he acts as President. The rate for this allowance is $94 per day.

2. Computation of budgetary estimates

29. The budgetary estimates for the remuneration and allowances of the judges for 1998 have been computed on the basis of three sessions during the year, each of four weeks' duration. The amount proposed is $2,487,049.

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[3] This is included in the estimates for the remuneration and allowances of judges, as reflected in para. 29 below.

3. Common costs

30. In line with the practice in the United Nations, the estimates include provision for appropriate common costs in respect of the judges.[4] These include pension and related benefits and other allowances.

31. Provision is made to cover pension, disability and related benefits to retiring judges or surviving spouses. As envisaged in article 18, paragraph 7 of the Statute, the judges and the Registrar may be given retirement pensions on conditions to be determined by the Meeting of States Parties. Appropriate proposals on the subject will be submitted to the Meeting of States Parties in due course, taking into account the arrangements applicable to the Judges of the International Court of Justice. Pending the decision of the States Parties on these conditions, it is considered advisable to include provision in the budget to cover the possibility that some benefits may become payable. The amount proposed in respect of pension and related benefits is $114,159.[5]

32. Provision is also made for payments in respect of family allowances, including education grant for dependent children and associated education grant travel. The allowances have been computed according to the practice of the United Nations common system. A provision has been included since it is uncertain at this stage how many judges will need to reside at the seat of the Tribunal. The amount proposed is $38,053.[6]

4. Travel of judges to attend meetings

33. The provision is to cover the costs of travel of judges to attend meetings of the Tribunal.

34. The estimates of the costs for the travel of judges and their spouses have been calculated on the basis of the practice of the International Court of Justice.

35. Having regard to the duration of the stay of the judges at the seat of the Tribunal and the demands on their time while they attend meetings, the Tribunal considers that judges who find it necessary should be accompanied by their spouses or other close family members for some of the time. For this purpose, provision is included in the budget for two round trips per year for the

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[4] Provision for common costs for judges is proposed on the basis of 20 per cent of the common staff costs applied under the United Nations common system as contained in Standard Salary Costs, version 07, prepared by the Department of Administration and Management of the United Nations Secretariat.

[5] Computed on the basis of 15 per cent of the standard common staff cost referred to in footnote 4 supra.

[6] Computed on the basis of 5 per cent of the standard common staff cost referred to in footnote 4 supra.

accompanying spouse or close family member for each judge. The amount proposed for the travel of judges to meetings of the Tribunal in 1998 is $348,800.

5. Remuneration and other costs in respect of judges ad hoc and experts

36. Judges ad hoc and experts appointed under article 289 of the Convention may be needed if a case or dispute being dealt with by the Tribunal during 1998 requires their appointment. For that reason the estimated costs for judges ad hoc and experts have been included in the contingency section of the proposals.

6. Total budgetary provision for judges of the Tribunal

37. The total provision for the remuneration, allowances and other entitlements and travel for judges for the 12-month period amounts to $2,988,060. This estimate also includes travel of spouses and near relatives.[7]

B. Staff of the Registry

1. Established posts[8]

38. The Registry of the Tribunal is the administrative organ of the Tribunal. It consists of the Registrar and a Deputy Registrar and other staff appointed with the approval of the Tribunal or by the Registrar in consultation with the President. The Registry provides legal and other technical support for the Tribunal in all aspects of its work. It is also responsible for the management of the Tribunal's finances, accounts, archives and document and library services. An important function of the Registry is the computation and collection of the contributions to be made by States Parties and other entities to the expenses of the Tribunal, pursuant to article 19 of the Statute of the Tribunal and the relevant decisions of the Meetings of States Parties. In addition, the Registry maintains the accounts and prepares reports thereon to the Tribunal, the external auditors and the Meetings of States Parties.

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[7] The corresponding provision in the budget for the preparatory period (August 1996 to December 1997) effective for 15 months was $2,552,600, i.e., $2,042,079 for 12 months pro rata. The difference in the estimated costs for 1998 is accounted for by the fact that the 1996/97 budget did not include any provisions for common costs or travel of spouses.

[8] For the purposes of the estimates, the rates of remuneration and other entitlements of the staff have been calculated on the basis of the applicable rates of the United Nations common system.

2. Proposed staff structure of the Registry

39. In reviewing the administrative arrangements and structure of the Registry, the third Meeting of States Parties considered that, after the initial period from 1 August 1996 to 31 December 1997, the levels and functions of the posts of the Registry during the functional phase should follow closely the staff structure of the International Court of Justice.

40. The staff structure for the functional phase of the Tribunal, based on this premise, is indicated in footnotes to annexes II and III to the present document.[9] This is the staff structure that is considered necessary for the normal operation of the Tribunal. However, as a measure of economy, the Tribunal believes it will be able to operate with a more limited staff complement - the core staff structure - during the first year of the functional phase, on the understanding that appropriate contingency provision will be made to deal with the extra demands that will arise, for example, if a case or cases were to be submitted to the Tribunal for consideration during 1998.

41. The core staff structure proposed for 1998 is given in annexes II and III to the present document, with the estimates for the staff in the Professional and other categories in annex II, and the estimates for the General Service categories in annex III, respectively. The core structure is essentially the structure approved for the organizational phase (1996/97), with appropriate modifications made to meet the much increased needs of the functional period. The major modifications include the upgrading of the post of Librarian, the inclusion of a special post of Contributions Officer to deal with the contributions to the budget of the Tribunal, provision for the post of Senior Legal Officer and the upgrading of the post of Budget and Finance Officer to provide more effective supervision and control of the financial transactions of the Tribunal. The establishment of the Seabed Disputes Chamber and two other standing chambers make it necessary to maintain the position of Principal Legal Officer/Assistant Registrar as envisaged in the report on administrative arrangements, structure and financial implications of the International Tribunal for the Law of the Sea (LOS/PCN/SCN.4/WP.16/Add.6, para. 31).

42. The transition from the core staff structure to the full structure will be by incremental stages, based on developments in the workload of the Tribunal, and as may be decided by the Meetings of States Parties, on the basis of proposals of the Tribunal.

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[9] This is based on the proposals submitted to the third Meeting of States Parties, as contained in annex III to document SPLOS/WP.1, with suitable modifications to meet the special needs and circumstances of the Tribunal. This structure provides for fewer staff than the structure of the International Court of Justice.

3. Common staff costs

43. Common staff costs are made up of various entitlements of the staff, including pension contributions,[10] social security contributions,[11] dependency allowances, education grant, home leave travel, travel on appointment and on separation, shipment of household effects on appointment and on separation, installation and repatriation grants etc. The amount of staff costs applicable is a standard percentage of the total remuneration for the staff. The percentage, as determined by the Budget Division of the United Nations Secretariat, is 33.4 per cent. Using this percentage, the common staff costs for the established posts proposed for the Registry in 1998 will be $742,832.[12]

4. Temporary assistance

44. Since the Tribunal is not expected to be in continuous session, it is not advisable to recruit on a permanent basis the full complement of staff needed to service meetings of the Tribunal. However, it is necessary to recruit, on a temporary basis, the personnel to provide the services needed when the Tribunal is sitting. Since the number of sessions of the Tribunal in 1998 will be the same as provided for in the 1996/97 budget, the sum proposed for 1998 is set at the same level as the provision in the budget for 1996/97, that is, $107,000.

5. Overtime

45. The nature of the work of the Tribunal, and in particular the need to work in a limited number of sessions, makes it unavoidable that staff members will be requested to work outside the official working hours during meetings of the Tribunal. Staff members in the General Service category are entitled to overtime payment in accordance with the Staff Regulations and Rules of the Tribunal, which are to be modelled on those of the United Nations common system.

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[10] The provision is to cover the Tribunal's share of the contributions to the United Nations Joint Staff Pension Fund in respect of the Registrar and other staff. The Tribunal's contribution represents two thirds of the total contribution payable in respect of each participating staff member.

[11] An interim provision is needed to enable the Tribunal to contribute to the payments to be made to the German social security scheme by staff members who are nationals or residents of Germany, pending the conclusion of the Headquarters Agreement which will exempt them from mandatory contributions to the German scheme.

[12] This represents an increase of $679,832 over the corresponding appropriation for 1996/97. This increase is due to the fact that the provision in the 1996/97 budget was wholly inadequate. The provision for common staff costs in 1996/97 represented only 3.07 per cent of the total appropriation for staff remuneration, instead of the 33.4 per cent required under normal budgetary practice.

The provision made in the budget for 1998 for overtime payments is $24,500. This is the same as the allocation for 1996/97.

C. Representation allowance

46. Representation allowance is to be paid to the President and the Registrar in accordance with the practice of the United Nations. The provision included is $7,000.

D. Official travel

47. The provision is to cover the costs of travel of the President and, as necessary, judges or the Registrar and staff on official business of the Tribunal. The appropriation proposed for official travel is $100,000.

E. Communications

48. The expenses for the communication of the Tribunal include costs of postage and courier services; local and long-distance telephone; facsimile services; telex and other electronic means of communication such as e-mail, Internet and access to databases.

49. They also include the costs of services to enable the judges to communicate both with the Registry and among themselves at their individual locations by means of telephone, facsimile and appropriate networking facilities. The overall amount proposed for the communications requirement of the Tribunal for 1998 is $152,000.

F. Supplies and materials

50. This provision is to cover the costs of office and other supplies, materials and services. The amount proposed is $59,600.

G. Printing (documents and publications)

51. This provision is to cover the costs of producing and publishing documents and other material, such as the Rules of the Tribunal, regulations on various subjects and the Yearbook. The amount proposed is $49,000.

H. Temporary assistance for meetings

52. The provision proposed is to cover the costs of emoluments and travel of contractual interpreters, translators and other staff needed to service the meetings.

53. The Tribunal does not employ all conference personnel, such as interpreters and translators, on a permanent basis. In line with the practice of other international judicial bodies, these services are contracted for meetings as necessary.

54. The provision in the estimates has been computed in the light of the experience of the Tribunal during the preparatory phase. The amount proposed is $149,600.

I. Maintenance of premises

55. The provision is to cover the costs of maintenance of premises. These include the routine repairs or replacement of minor items, the provision of security services and the costs of electricity, heating, water, sewerage, cleaning and similar services. The amount proposed is $152,000. This represents a slight increase over the provision in the 1996/97 budget.

J. Rental and maintenance of equipment

56. It is considered more economical to rent certain items of equipment for use by the Tribunal, instead of purchasing them. Rental avoids the considerable initial expense involved in outright purchasing and also relieves the Tribunal of the costs of major maintenance of the equipment.

57. This arrangement has been adopted in respect of the official vehicle of the Tribunal, and for other equipment such as telephones, facsimile machines, photocopying machines and computers for short-term use by the judges.

58. Provision is also needed to cover the costs of maintaining the equipment rented by the Tribunal. An important component of these expenses is the cost of insurance coverage against loss of or damage to the equipment. The amount proposed for rental and maintenance of equipment is $141,400.

K. Hospitality

59. The provision is to cover hospitality requirements of the Tribunal. It is fixed at the same level as in the 1996/97 budget, that is, $4,200.

L. External audit

60. This provision is needed to defray the costs of external audit of the accounts of the Tribunal. In accordance with the practice of organizations and agencies of the United Nations system, arrangements will be made for the accounts of the Tribunal to be audited by a suitable external body or institution. For this purpose, the Tribunal intends to appoint an external auditor. A total of $3,000 is proposed to cover the costs of external audit.

M. Library - procurement of books and publications

61. Both the Preparatory Commission and the United Nations General Assembly emphasized the need for establishing a library of the Tribunal and making it operational as soon as possible. This was also endorsed by the Meeting of States Parties. However, no specific budgetary provision was included for this purpose in the budget for the organizational phase of the Tribunal (October 1996 to December 1997).

62. The ready availability of suitable library facilities at its headquarters is an indispensable condition for the effective operation of the Tribunal and those who appear before it. The judges and the staff of the Registry, as well as States and entities that may appear as parties before the Tribunal, require at their disposal a comprehensive collection of literature on public international law, the law of the sea, maritime law, commercial law, mining law and environmental law. The library should, given the scope of jurisdiction of the Tribunal, also include basic material on non-legal matters. Although the law libraries in the area of the seat of the Tribunal can be of assistance and will be used as much as possible, they cannot adequately meet the needs of the Tribunal. They do not contain literature on all the matters relevant to the work of the Tribunal and they are primarily intended for the use of the faculty and students of the University of Hamburg. Moreover, there are logistic constraints on the extent to which judges and other personnel of the Tribunal can have access to the libraries for their work.

63. To prepare for the establishment of a library, the judges and the Registrar have made strenuous efforts to collect as much material as possible from libraries, publishers, Governments, national institutions, international organizations and private individuals. As a result of these efforts, the Tribunal has received some material for the library and offers have been made to contribute further material.

64. Despite the results of these efforts, the needs of the library of the Tribunal cannot be met from donations.

65. Accordingly, it is proposed that the budget should include both an annual provision for the normal operational costs of the library and provision to meet the start-up costs of the library, that is, funds for the acquisition of basic reference material, including major treatises, official documents and important journals and periodicals, with back copies, as appropriate.

1. Annual budget

66. In considering the proposals for the annual budget of the library, the Tribunal undertook a survey of the operating budgets of the library of the

International Court of Justice and three comparable law libraries in the area of the seat of the Tribunal.[13]

67. Based on the information obtained from that survey and the assessment of the special requirements of the Tribunal as a new institution, it is proposed that the annual appropriation for the operation of the library in 1998 should be set at $60,000.[14]

2. Start-up budget

68. The operating costs of the various libraries show that special provision is needed to enable the Tribunal's library to acquire important treatises and complete sets of the major journals and periodicals that were issued prior to its establishment. The costs of these back copies cannot feasibly be borne by the annual budgetary allocations for the library.

69. Consequently, it is proposed to include in the budget for 1998 a special provision for the acquisition of the major books in the fields of law relevant to the work of the Tribunal, including back copies of the most important journals and periodicals in these fields. This is intended to be the first of annual instalments, for five years, to enable the library to acquire complete sets of 25 to 30 important journals and yearbooks. The amount proposed for this purpose in the 1998 budget is $60,000.

N. Miscellaneous services

70. The provision is to cover the costs of miscellaneous services needed by the Tribunal where such costs may not appropriately be charged to any of the specific headings of the budget. The amount proposed for 1998 is $6,000.

Part III. Non-recurrent expenditure

A. Purchase of equipment

71. The estimates of non-recurrent expenditures are based on the requirements of the Tribunal in terms of "specialty" office equipment (data-processing, storage and retrieval systems etc.). They also take into account the experience of the Tribunal during the start-up period and the special circumstances prevailing in the host State.

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[13] The libraries of the Institute for the Law of the Sea of the University of Hamburg, of the Institute for International Affairs of the University of Hamburg and of the International Law Institute at the University of Kiel.

[14] This is for the purchase of books as well as subscriptions to and binding of periodicals.

72. Account is also taken of the fact that judges need to be able to prepare documents and to communicate directly and conveniently with the Registry as well as with other judges at their different locations. To enable them to do so, it is proposed that provision be made for the appropriate equipment, such as computers, peripherals, fax machines and database connections.

73. The provision includes the costs of the acquisition of equipment for the judges of the Tribunal and the senior officials of the Registry, to make up for the limited secretarial services available to the Tribunal. The total amount proposed for 1998 is $100,000. This is considerably less than the appropriation for 1996-97.

B. Special equipment for the library

74. In addition to the provision for the operational costs of the library and the start-up costs, provision is needed to meet the costs of specialized equipment and installations, such as computers, including those with CD-ROM, scanners and microfiche readers. These are normally purchased on a one-time basis. The amount proposed for this purpose is $50,000.

Part IV. Contingency provisions

75. The estimates proposed in parts II and III cover only the basic costs of the Tribunal and estimated expenses of holding three sessions of four weeks' duration each. They do not include any expenditures that may be needed to deal with cases or applications that may be brought during 1998.

76. To cover any such expenses, it is proposed to include, in the estimates for 1998, provision for contingency costs. These costs include:

(a) Any additional expenditure in respect of judges (special and subsistence allowances) in connection with meetings to deal with cases;

(b) Expenses in respect of judges ad hoc and experts appointed by the Tribunal, if such judges ad hoc and experts participate in any of the cases;

(c) Costs of temporary assistance, overtime and special conference services in connection with the work of the Tribunal on the cases.

77. The estimates for this purpose are, by their nature, uncertain because the actual requirements will depend on a number of indeterminate factors, including the number and nature of the cases involved and whether or not any judges ad hoc or experts will be needed.

A. Allowances of judges

78. Allowances and costs in respect of judges will be on the same basis as for ordinary meetings of the Tribunal.

79. The estimates are calculated on the basis that the judges will spend a maximum of six weeks for meetings in connection with cases. It is assumed that the four weeks of a session will be used to deal with any case or application and that only two additional weeks would have to be provided for.

80. No separate provision is made for the travel of judges. It is expected that arrangements will be made to combine travel in connection with any cases with the travel provided for one or more of the meetings scheduled for 1998.

B. Allowances and related expenses of judges ad hoc

81. For the period they serve on the Tribunal in connection with the cases for which they are appointed, judges ad hoc will be entitled to the same level of special and subsistence allowances as are payable to judges. In addition, their travel costs between the seat of the Tribunal and their normal places of residence will be borne by the Tribunal.

C. Allowances and related costs of experts

82. Experts appointed under article 289 of the Convention will also be entitled to special and subsistence allowances, at rates to be determined by the Tribunal. The costs of their travel will also be covered by the Tribunal.

83. For the contingency budget for 1998, provision has been made for the remuneration and related costs for two judges ad hoc and two experts appointed by the Tribunal, working for a maximum period of six weeks.

D. Temporary assistance, overtime and special services

84. The estimates for temporary assistance, overtime and special services have also been computed on the basis that the Tribunal will be working for a total of six weeks on cases or applications during 1998. The actual sum included is based on the estimated costs of these items in the main budget, suitably prorated. The total provision proposed for contingency costs is $701,829.

Annex I

CORE POST REQUIREMENTS OF THE REGISTRY DURING THE PERIOD
1 JANUARY-31 DECEMBER 1998*

ASG	D-2	D-1	P-5	P-4	P-3	P-2/1	Total Professional and above	General Service (Principal level)	General Service (Other levels)	Total General Service	Grand total
1	1	1	4	4	2	1	14	4	18	22	36

* During the functional phase, the post requirements are identified as follows:

ASG	D-2	D-1	P-5	P-4	P-3	P-2/1	Total Professional and above	General Service (Principal level)	General Service (Other levels)	Total General Service	Grand total
1	1	1	4	8	4	3	22	3	28	31	53

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Annex II

DESIGNATIONS AND CORE STAFFING STRUCTURE OF THE PROFESSIONAL STAFF OF THE REGISTRY

Level	Function	Number of posts	Standard costs
ASG	Registrar	1	152 942.40
D-2	Deputy Registrar	1	143 020.80
D-1	Assistant Registrar	1	66 250.00[a]
P-5	Chief of Administration	1	108 856.80
P-5	Senior Legal Officer	1	58 150.00[a]
P-5	Librarian/Head of Publications and Archives	1	58 150.00[a]
P-5	Head of Conference and Linguistic Services and Documentation	1	108 856.80
P-4	Head of Finance and Accounts	1	105 019.20
P-4	Translator/Reviser	2	112 200.00[a]
P-4	Legal Officer	1	56 100.00[a]
P-3	Legal Officer/Information	1	75 909.60
P-3	Contributions Officer/Budget	1	40 550.00[a]
P-2	Associate Legal Officer/Research	1	73 663.20
	Total	14	1 159 668.80[b]

Notes: Continuing posts budgeted at standard budgeting level of 93.6 per cent.

[a] New posts (budgeted at 50 per cent).

Based on United Nations Standard Salary Costs, version 07 of July 1996, for The Hague.

[b] On the basis of continuing posts, if the new posts are costed at 93.6 per cent instead of 50 per cent, the total costs would be 1,500,970.

DESIGNATIONS AND STAFFING STRUCTURE OF THE PROFESSIONAL STAFF OF THE REGISTRY DURING THE FUNCTIONAL PHASE

Level	Function	Number of posts	
ASG	Registrar	1	
D-2	Deputy Registrar	1	
D-1	Assistant Registrar	1	
P-5	Chief of Administration	1	
P-5	Senior Legal Officer (Chief of Legal Division)	1	
P-5	Librarian/Head of Publications and Archives	1	
P-5	Head of Conference and Linguistic Services and Documentation	1	
P-4	Head of Finance and Accounts	1	
P-4	Translator/Reviser	2	
P-4	Special Assistant	1	
P-4	Legal Officer	3	
P-4	Legal Officer (Information)	1	
P-3	Legal Officer (Researcher)	2	
P-3	Personnel Officer	1	
P-3	Contributions Officer/Budget	1	
P-2	Assistant Librarian/Archives/Publications Officer	1	
P-2	Associate Legal Officer	2	
	Total	22	1 521 328.00

Notes: Continuing posts budgeted at standard budgeting level of 93.6 per cent.

[a] New posts (budgeted at 50 per cent).

[b] Two new posts; one continuing post.

Based on United Nations Standard Salary Costs, version 07 of July 1996, for The Hague.

Annex III

DESIGNATIONS AND CORE STAFFING STRUCTURE OF THE GENERAL SERVICE STAFF OF THE REGISTRY

Level	Function	Number of posts	Standard costs
Principal level	Administrative Assistant	1	65 052.00
	Computer Systems Assistant	1	34 750.00[a]
	Personal Assistant to the President	1	65 052.00
	Personal Assistant to the Registrar	1	65 052.00
Other levels	Finance Assistant (Accounts Payable/ Payroll)	1	51 386.40
	Senior Security Officer	1	51 386.40
	Contributions Assistant	1	51 386.40
	Conference Service Assistant	1	51 386.40
	Finance Assistant/Cashier	1	27 450.00[a]
	Secretary to Deputy and Assistant Registrars	1	51 386.40
	Judiciary Support/Conference Typing Assistant	6	212 572.80[b]
	Security Officer/Driver	1	51 386.40
	Library/Documents Assistant	1	51 386.40
	Caretaker/Building Superintendent	1	27 450.00[a]
	Others (Messenger/Technician/Receptionist)	3	106 286.40[c]
	Total	22	963 370.00[d]

Notes: Continuing posts budgeted at 93.6 per cent.

[a] New posts (budgeted at 50 per cent).

[b] Four new posts; two continuing posts.

[c] Two new posts; one continuing post.

Based on United Nations Standard Salary Costs, version 07 of July 1996, for The Hague.

[d] On the basis of continuing posts, if the new posts are costed at 93.6 per cent instead of 50 per cent, the total costs would be 1,228,261.

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DESIGNATIONS AND STAFFING STRUCTURE OF THE GENERAL SERVICE STAFF DURING THE FIRST FUNCTIONAL PHASE

Level	Function	Number of posts	
Principal level	Contributions Assistant	1	
	Administrative Assistant	1	
	Computer Systems Assistant	1	
Other levels	Personal Assistant to the Registrar	1	
	Finance Assistant (Accounts Payable/ Payroll)	1	
	Senior Security Officer	1	
	Secretary to the President	1	
	Secretary to the Vice-President	1	
	Secretary to the Registrar	1	
	Conference Service Assistant	1	
	Finance Assistant/Cashier	1	
	Secretary to the Deputy Registrar	1	
	Secretary to the Assistant Registrar	1	
	Secretaries - Judiciary Support Services	3	
	Security Officer/Driver	1	
	Secretaries Judiciary Support	2	
	Library Services Assistant	1	
	Conference and Linguistic Services Assistant	1	
	Secretary to the Senior Legal Officer	1	
	Secretaries to the Legal Officers	3	
	Caretaker/Building Superintendent	1	
	Others (Messenger/Technician/Receptionist)	5	
	Total	31	1 196 754.00

Notes: Continuing posts budgeted at standard budgeting level of 93.6 per cent.

[a] New posts (budgeted at 50 per cent).

[b] One new post; two continuing posts.

[c] Four new posts; one continuing post.

Based on United Nations Standard Salary Costs, version 07 of July 1996, for The Hague.

Annex IV

ADMINISTRATIVE EXPENSES OF THE TRIBUNAL[a] COVERING THE PERIOD 1 JANUARY-31 DECEMBER 1998

(United States dollars)

Objects of expenditure	August 1996-December 1997 budget[b]	Estimates for 1998
A. Recurrent expenditure		
Remuneration of judges	2 452 600	
Annual and special allowances		2 487 049 (1)[c]
Common costs		152 212 [d]
Travel of judges to sessions		348 800 (2)[e]
Established posts	2 050 000	2 123 039 (3)[f]
Common staff costs	63 000	742 832 (4)[f]
General temporary assistance	107 000	107 000
Overtime	24 500	24 500
Representation allowance	3 100	7 000 [g]
Official travel	150 000	100 000
Communications	53 900	152 000
Supplies and materials	46 600	59 600
External printing and binding	37 800	49 000
Temporary assistance for meetings	116 900	149 600 (5)
Maintenance of premises	143 400	152 000
Rental and maintenance of equipment	141 400	141 400
Hospitality	4 200	4 200
Special services (external audit)		3 000
Library - procurement of books and publications		60 000
Start-up costs of library		60 000
Miscellaneous services	2 900	6 000
B. Non-recurrent expenditure		
Furniture and equipment		
1. Purchase of equipment	173 000	100 000
2. Purchase of special equipment		50 000
C. Contingency		
Judiciary		
Judges		134 530 (6)
Judges ad hoc and experts		45 300 (6)
Temporary staff	409 100	519 999 (6)
D. Start-up	191 500	
Total	6 170 900	7 779 061

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(Notes and footnotes to annex IV)

Notes:

(1) Essentially, the costs for the 1996/97 and 1998 budgets are similar owing to the number of sessions (three) planned. The only difference is the three months of additional annual allowance (October-December 1996).

(2) Includes the travel of judges and their spouses to the sessions of the Tribunal. In the initial 1996/97 budget the costs of travel for one session were incorporated into the annual remuneration of judges approximately $50,000).

(3) New posts budgeted at 50 per cent according to budgeting practice (see annexes II and III).

(4) Based on Standard Salary Costs, version 07, common staff cost rates of the Budget Division of the United Nations Secretariat.

(5) Based on projected usage.

(6) See annex V.

[a] These estimates are preliminary and indicative, based on previous budgetary documentation of the Preparatory Commission and the Meeting of States Parties (LOS/PCN/SCN.4/WP.8 and addenda, LOS/PCN/SCN.4/WP.16/Add.6 and LOS/PCN/142).

If any applications or cases are submitted during this period, the costs involved in court proceedings are provided separately as contingency costs.

[b] Including start-up costs.

[c] The remuneration of the members consists of the following elements:

1.	Annual allowance	48 333.00	
2.	Special allowance (12 weeks/based on 220 working days PA)	15 158.98	
3.	Special allowance for preparatory work (12 weeks/based on 220 working days PA)	15 158.98	
4.	Subsistence allowance (12 weeks)	23 520.00	
5.	Subsistence allowance for preparatory work (6 weeks)	11 760.00	
	Total	113 930.96	
		x 20 =	2 278 619
	President (including special allowance and common costs)		208 430
	Total		2 487 049

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(Footnotes continued)

[d] Common costs (for 20 judges at 6.68 per cent of $2,278,619): $152,212.

[e] Travel of the judges (first class)

Three trips: $3,480 x 3 x 20 judges: 208 800.00

Spouses/near relatives travel

Two trips: $3,480 x 2 x 20 judges: 139 200.00

Total: 348 000.00

[f] The remuneration of the staff is composed of various elements which, for budgetary purposes, are usually combined under three objects of expenditure, namely, costs of posts, common staff costs and representative allowance. Following the standard practice of the United Nations, estimates for these three objects of expenditure are based on Standard Salary Costs prepared by the Data Analysis and Systems Control Unit of the Programme Planning and Budget Division, Office of Programme Planning, Budget and Accounts, Department of Administration and Management. Standard Salary Costs provides data on annual total net salary (equal to net base salary plus post adjustment), common staff costs and representation allowance, by category/level, by duty station and by calendar year. In the table, the figures for "established posts" stand for total net salary. Also, in the absence of data applicable to United Nations staff in Hamburg, Germany, the data for The Hague duty station have been used. There are periodic revisions of Standard Salary Costs; for the purpose of the table, the latest available revision, version 07, has been used.

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Annex V

CONTINGENCY ESTIMATES

Costs related to a case		
Judges ad hoc and experts		
Judges ad hoc		
Travel (2 judges)	7 000	
Subsistence allowance for 45 days	25 200	
Experts (article 289)		
Travel (1 expert)	2 500	
Subsistence allowance for 45 days	12 600	
Total judges ad hoc and experts		47 300
Convening of Tribunal and attendance of judges		
It is assumed that judges will convene for one month (in addition to the three sessions) for such a situation		
Subsistence allowance for 15 additional days	84 000	
Special allowance for 15 additional days	50 530	
Total		134 530
Temporary staff costs		519 999[a]
Grand total		701 829

Notes:

[a] Equivalent to 75 work months (at median Professional level) of temporary assistance. This level of resources is required for case-related work, additional translation, documentation, overtime, etc. In the 1996/97 budget provision was made for 60 work months.

Total costs for required established posts if a case is received by Tribunal	2 718 082	
Related common staff costs	940 159	
Total (X)		3 658 241

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(Notes and footnotes continued)

Total costs for core established posts	2 123 039		
Related common staff costs	742 832		
Total (Y)		2 865 871	
Difference between (X) and (Y)			792 370